

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

ANDRE FERNITO PHILPOT,)
)
Plaintiff,)
)
v.) CV117-043
)
UNITED STATES DISTRICT)
COURT FOR THE SOUTHERN)
DISTRICT OF GEORGIA,)
AUGUSTA DIVISION AND)
VASHION STALEY,)
)
Defendants.)

REPORT AND RECOMMENDATION

This case should be dismissed without prejudice because plaintiff Andre Philpot has failed to comply with the May 24, 2017 deadline for returning the Consent Form and Prison Trust Account Statement required by this Court, pursuant to 28 U.S.C. § 1915(a)(2). Doc. 5 at 4-5 (Order warning of dismissal if he failed to return his consent form by that date).

See L.R. 41(b); see Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962) (courts have the inherent authority to dismiss claims for lack of prosecution); Mingo v. Sugar Cane Growers Co-op, 864 F.2d 101, 102 (11th Cir. 1989); Jones v. Graham, 709 F.2d 1457, 1458 (11th Cir. 1983); Floyd v. United States, CV491-277 (S.D. Ga. June 10, 1992).

This report and recommendation (R&R) is submitted to the district judge assigned to this action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rule 72.3. Within 14 days of service, any party may file written objections to this R&R with the Court and serve a copy on all parties. The document should be captioned "Objections to Magistrate Judge's Report and Recommendations." Any request for additional time to file objections should be filed with the Clerk for consideration by the assigned district judge.

After the objections period has ended, the Clerk shall submit this R&R together with any objections to the assigned district judge. The district judge will review the magistrate judge's findings and recommendation pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that failure to timely file objections will result in the waiver of rights on appeal. 11th Cir. R. 3-1; *see Symonett v. V.A. Leasing Corp.*, 648 F. App'x 787, 790 (11th Cir. 2016); *Mitchell v. U.S.*, 612 F. App'x 542, 545 (11th Cir. 2015).

SO REPORTED AND RECOMMENDED, this 5th day of June,
2017



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA